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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 13, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ETELBINA M.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 1:20-CV-3179-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 23. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Ryan Ta Lu represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

On remand, the Administrative Law Judge (ALJ) shall do the following:

- (1) obtain a medical expert opinion from a qualified pediatrician or other appropriate expert to review the entire case file and re-evaluate whether Plaintiff's impairments meet, medically equal, or functionally equal the listings;
- (2) re-evaluate Plaintiff's subjective complaints; (3) re-evaluate all third party statements of record, including the statements of Plaintiff's guardian/caregiver; and
- (4) offer Plaintiff an opportunity for a new hearing, take any further action needed to complete the administrative record, and issue a new decision.

2. **Judgment shall be entered for PLAINTIFF.**

3. Plaintiff's Motion for Summary Judgment, **ECF No. 19**, is

STRICKEN AS MOOT.

4. An application for attorney fees and costs may be filed by separate motion.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED September 13, 2021.



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JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE